

**POLICY AND LAW COMMITTEE MEETING  
JULY 12, 2007 – 1 PM  
DE PUBLIC ARCHIVES BLDG. – DOVER, DE**

**Present:** Brian Hartman, DLP; Jamie Wolfe, Consumer; Connie Hughes, DELARF; Chris Long, DHSS/DDDS; Wendy Strauss, GACEC; Karen Lazar, Ombudsman's Office; Lora Lewis, DPH; Ray Brouillette, Easter Seals; Bob Osgood, SCPD; Kim Siegel, ASD; Pat Maichle, DDC; Kyle Hodges, Staff

**Absent:** Daniese McMullin-Powell, SCPD; Tim Brooks, CDS; Brian Bard, Consumer; Tony Horstman, Parent; Carolanne O'Brien, DVR; Marge Turner, UCP; Norwood Coleman, Family Member; Cookie Austin, Parent; Rita Landgraf, SCPD; Regina Byers, GCAAPD; Liz Schantz, Consumer

**CALL TO ORDER**

Bob Osgood called the meeting to order at 1:10 PM

**ADDITIONS OR DELETIONS TO THE AGENDA**

Kyle added the NCC proposed ordinance on the definition of family; paying relatives for PAS; and the DCMHS/DDDS MOU. Pat added a legislative summary.

**APPROVAL OF MINUTES**

The minutes from the June 14, 2007 meeting were approved as submitted.

**REVIEW OF BILLS AND REGULATIONS**

1. Dept. of Insurance Final MCO Certification & Operations Reg. [11 DE Reg. 73 (July 1, 2007)] – It was agreed that no further action was required.
2. Dept. of Insurance Final MCO Appeal Regulation [11 DE Reg. 68 (July 1, 2007)] – It was agreed that no further action was required.
3. Dept. of Insurance Proposed Discrimination Regulation [11 DE Reg. 32 (July 1, 2007)] – Motion was made, seconded and approved for SCPD to send a letter consistent with Brian's memo.
4. DMMA Proposed LTC Promissory Note & Life Estate Regs. [11 DE Reg. 20 (July 1, 2007)] – Motion was made, seconded and approved for SCPD to send a letter to the DMMA Director consistent with Brian's memo.
5. DMMA Prop. Chronic Renal Disease Program Referral Reg. [11 DE Reg. 21 (July 1, 2007)] – Motion was made, seconded and approved for SCPD to send a letter consistent

with Brian's memo.

6. DSS Proposed Non-Discrimination Policy [11 DE Reg. 23 (July 1, 2007)] – Motion was made, seconded and approved for SCPD to send a letter consistent with Brian's memo.

7. DSS Prop. Food Stamp "Household" Regulation [11 DE Reg. 25 (July 1, 2007)] – Motion was made, seconded and approved for SCPD to send a letter consistent with Brian's memo.

8. DDDS Proposed Eligibility Regulation [11 DE Reg. 18 (July 1, 2007)] – It was noted that any letter should include that SCPD understands that DDDS is considering that the regulations include "grandfather" language. In addition, it was agreed to include the following language in the 8<sup>th</sup> observation: "DDDS has justified Section 1.3, in part, since the Department of Education (DOE) includes Asperger's within its definition of Autism. However, the DOE regulation (attached) actually defines Autism as including both Asperger Syndrome and Pervasive Developmental Disorder (PDD). The DDDS regulation excludes PDD." Motion was made, seconded and approved for SCPD to send a letter consistent with Brian's memo and the aforementioned recommendations. In addition, SCPD will follow the advocacy protocol provided in Brian's memo. Chris Long opposed the motion.

## **OTHER BUSINESS**

New Castle County Ordinance Regarding the Definition of Family – Kyle provided the latest letter (July 6, 2007) to New Castle County regarding this issue. Brian reported that the proposed change to the Code is as follows: "*Family*. Any number of individuals legally related through blood, marriage, adoption or guardianship, including individuals placed for foster care by an authorized agency, or up to ~~four (4)~~ three (3) unrelated individuals living and cooking together and functioning as a single housekeeping unit using certain rooms and housekeeping facilities in common." Brian noted that there is an exemption in the state statute for group homes in all 3 counties which are staffed on a 24 hour basis. There is also an exception for group homes in the "family" context in the County Code if it is detached housing.

Kyle noted that a previous June 5<sup>th</sup> letter had been written in opposition to the proposed ordinance. Mr. Paul Clark spoke with Daniese McMullin-Powell and invited SCPD to draft an amendment which would exempt persons with disabilities. Brian drafted a letter for SCPD with the following amendment to be added of the proposed ordinance as follows: "*provided, however, that up to two (2) persons with disabilities, as defined in Title 6 Del.C. §4602, shall be disregarded in calculating the unrelated individuals cap.*"

SCPD will encourage other agencies to write letters of opposition (e.g. state agencies, The Arc, Easter Seals, MS Society).

Paying Relatives for Personal Attendant Services (PAS) – Kyle provided information from the DSAAPD Director regarding this subject. DSAAPD intends for any adult family member (including a spouse) to be eligible for hire as a personal attendant. Family members under the age of 18 may be considered on a case-by-case basis; minors would be subject to DSAAPD approval and applicable labor laws. DSAAPD does not see this as a pilot, but as a permanent option for persons in need of an assistant. The target date for implementation is August 1.

Ray noted that Easter Seals is currently working with DSAAPD on the budget.

MOU between DCMHS and DDDS – Kyle provided an excerpt from the MOU which defines responsibilities. Pat noted that this is a good start to some systems change initiatives which impact the respective divisions.

- Pat provided a summary of relevant legislation from FY 07.

## **ADJOURNMENT**

The meeting was adjourned at 3:05 PM.

Respectively submitted,

Kyle Hodges  
SCPD Administrator  
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